



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us

FAX 410-313-3467

TDD 410-313-2323

November 20, 2007

TECHNICAL STAFF REPORT

*Petition Accepted on October 24, 2007
Planning Board Meeting of December 6, 2007
Zoning Board Hearing to be scheduled*

Case No./Petitioner: ZB 1070M – Redmiles Services, Inc.

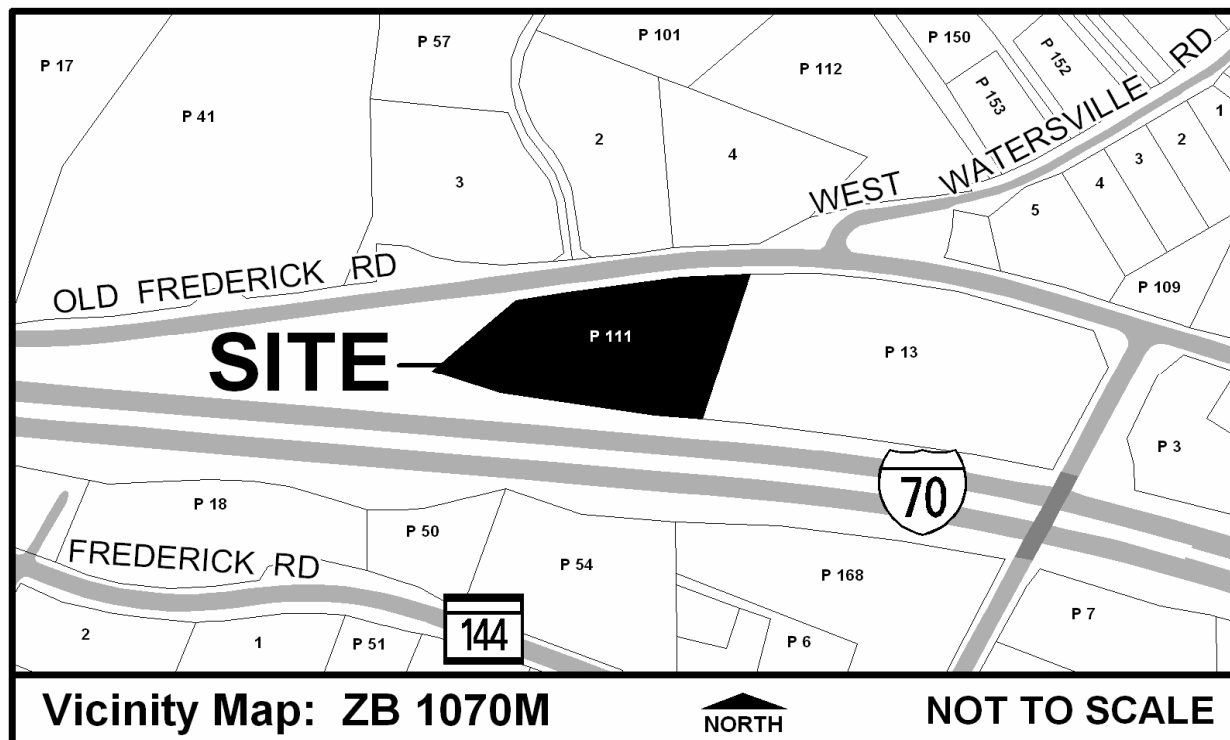
Location: Fourth Election District
South side of Old Frederick Road approximately 200 feet west of West
Watersville Road
Tax Map 2, Grid 13, Parcel 111; 17501 Old Frederick Road
(the "Property")

Area of Site: 4.63 acres

Request: Amended Preliminary Development Plan for an existing BR District to add a contractor storage building to an approved landscape contractor storage yard, and possible alterations to the approved use.

Department of Planning and Zoning Recommendation:

APPROVAL



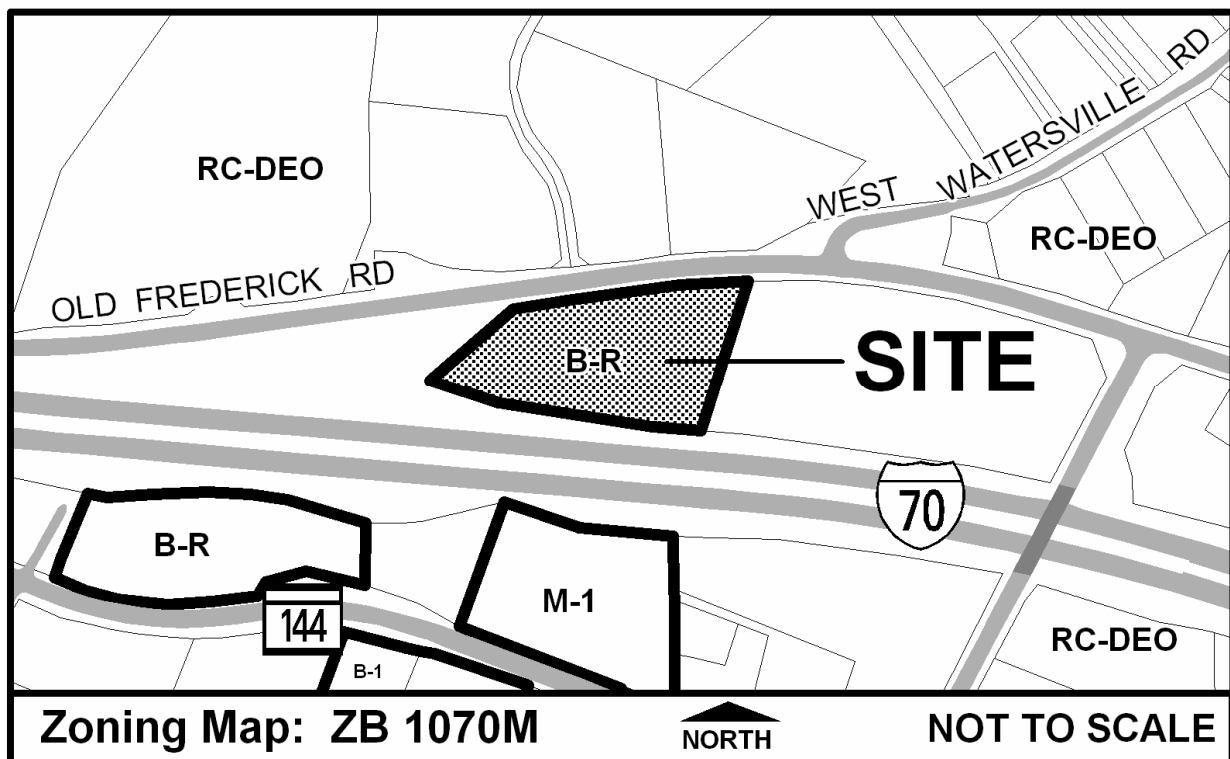
I. DESCRIPTION OF PROPOSAL

- # The Property is the site of an existing BR District as approved for a landscape contractor storage yard in Zoning Board Case No. 1034M in 2004.
- # The Petitioner proposes to amend the Preliminary Development Plan (“PDP”) that was approved in ZB 1034M in order to construct a storage building/ pole barn measuring approximately 50 feet by 60 feet, and no more than 27 feet tall. This building is proposed to be located in the northwestern area of the Property, adjacent to an existing small wooded area.

As described in the Supplement to Petition, the purpose of this proposed building is to store some equipment such as a tractor, a bush hog, and other lawn maintenance equipment; to store wood splitters to use on piled logs on the Property; and to store a vehicle used in the Petitioner’s business.

- # Although the Supplement does go on to state “The use of the property would remain essentially unchanged”, there are certain issues which may be inconsistent with the use as it was described to, and considered by the Zoning Board in ZB 1034M.

This may be a relevant consideration because Section 117.1.H. of the BR District regulations concerning conformance with the approved PDP states that “Modifications to the uses...must be approved by the Zoning Board.”



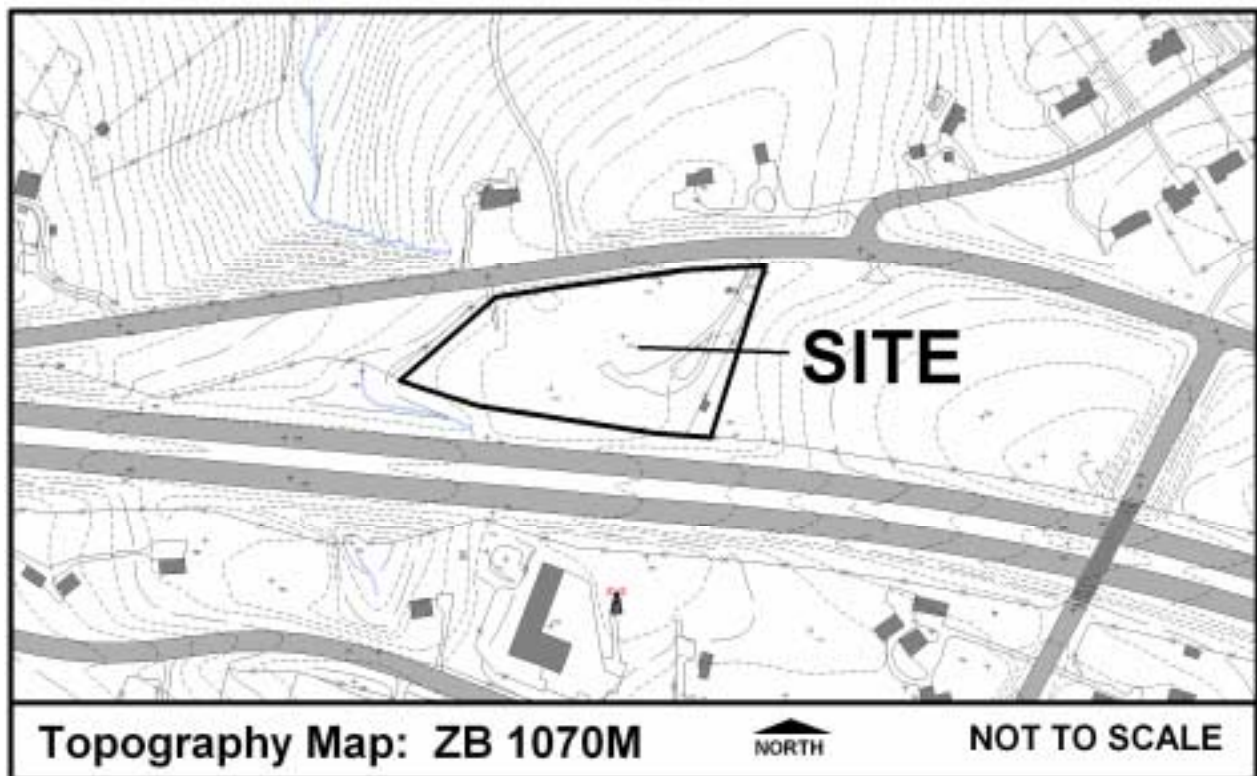
I. DESCRIPTION OF PROPOSAL (continued)

- # **In the ZB 1034M Decision and Order and in the Technical Staff Report for that case, the use on the Property is essentially described as primarily being a storage operation for wood chips and wood.**

On Page 3 of the Decision and Order, it states “Mr. Redmiles indicated that there is not and would not be machinery located on the subject property except for the temporary storage of an occasional loader, and that no machinery is used in piling up the wood chips to be located on the subject property.”

- # **Not only is there currently a loader on the Property, but the most recent aerial photograph also shows a loader. In light of the statement recorded above in the ZB 1034M Decision and Order, the Petitioner should clarify to the Zoning Board whether this or another loader is consistently kept on the Property, and precisely how this loader is used in association with the storage of the wood chips and wood or other materials on the Property.**

- # **In describing the various items to be stored in the proposed building, there may be an allusion to another use or function that appears to not have been described as part of the principal use in ZB 1034M, and which may also be inconsistent with the “no machinery” description given above.**



I. DESCRIPTION OF PROPOSAL (continued)

It states that there would be storage of "...some wood splitters to use on piled logs on the property." This may imply that the Petitioner intends to conduct operations of cutting firewood in bulk on the Property. Such operations are considered to be included under the established use category of "Sawmills", which is a separate use category from the contractor's storage yard category.

The Sawmills use category is also a permitted use in the BR District, so this may not be an issue of concern. However, if this is an intention of the Petitioner, it must be clearly expressed, because the Zoning Board may find that modifications are necessary to the existing limitations established in ZB 1034M to include this as a use to be conducted on the Property.

II. ZONING HISTORY

Case No.	ZB 1034M
Petitioner:	Redmiles Services, Inc.
Request:	Request for an amended Preliminary Development Plan for a landscape contractor storage yard.
Action:	Granted, September 23, 2004 with the following limitations:

1. The hours of operation for the outdoor storage yard are 7 a.m. to 7 p.m. Monday through Saturday.
2. The operation is closed on Sundays and all holidays recognized by the Howard County government.
3. A row of 20 6 to 8 foot pine trees will be planted and maintained between the northern end of the driveway and the existing perimeter landscaping.
4. The piles of wood chips and wood shall not be greater than 7 feet tall.
5. The gate and driveway shall be located and improved as proffered by the Petitioner. [As depicted on the current plan.]
6. The proposed 6 to 8 inch floodlight shall be permitted at the proposed location if it is directed in a westerly direction away from the Pichini's property and shall be installed and maintained to activate with motion only.

II. ZONING HISTORY (continued)

Case No. ZB 981M
Petitioner: Systems Integrators, Inc.
Request: Rezone 4.63 acres from RC-DEO to BR
Action: Granted, June 10, 1997 with the following provisions:

1. The property owner and/or Petitioner shall erect and maintain an 8 foot privacy fence on the northern and western sides of the pad area and provide the landscaping as shown on Petitioner's landscaping plan.
2. The property owner and/or Petitioner shall design and construct the proposed building on the PDP to appear residential in character.

III. BACKGROUND INFORMATION

A. Site Description

- # **The Property is an irregularly-shaped, 4.63 acre parcel which is situated between Old Frederick Road to the north and I-70 to the south. It is improved with a chain link fence around its perimeter and a small garden shed relatively near the northeast corner.**

There are two gates in this fence, one at each of the two driveways to Old Frederick Road. At the entrance near the northeast corner, there is a paved driveway which rises slightly and then levels off as a stone covered driveway. Near the center of the Property there are material piles of firewood and woodchips.

- # **The topography of the Property is such that from the elevation of the Old Frederick Road lanes, the land initially slopes up reasonably steeply over a short distance. At the point of the front fence, the Property becomes predominantly level over much of its area, although it does drop down slightly on its east and west sides.**

Due to the topography and the height of the material piles, the piles are not readily visible from the elevation of Old Frederick Road, but are visible from the elevations at the base of the fence. However, the piles likely are visible from the residential property to the northeast, across Old Frederick Road (Parcel 222, Lots 2 and 4) because the elevation of this property is well above the Old Frederick Road elevation. [This is the "Pichini" property mentioned in the limitations to ZB 1034M.]

- # **There is an evergreen tree planting across the north of the property and there are scattered small trees and other vegetation throughout the Property. The south side along I-70 there is a fairly wide buffer with vegetation, but much of this is most likely within the I-70 public right-of-way.**

B. Vicinal Properties

All adjacent properties on the north side of I-70 are zoned RC-DEO. To the north, across Old Frederick Road, are several lots subdivided from Parcel 222; Lot 3 to the northwest is improved with a brick and frame single-family detached dwelling fronting on Old Frederick Road; Lot 2 to the north is unimproved and Lot 4 to the north and northeast is improved with a two-story, frame, single-family detached dwelling also fronting on Old Frederick Road. This dwelling on Lot 4 is situated approximately across from the existing entrance, and as the elevation of Lot 4 is more than ten feet above much of the Property, from this dwelling one would likely be looking down into the Property.

Parcel 13 abuts the east side of the Property and is improved with a one-story religious facility that was approved in Board of Appeals Case No. 04-043C&V.. The land to the west of the Property is unimproved and appears to be part of the I-70 right-of-way. To the south of the Property, across the wide I-70 right-of-way, is an M-1 zoned parcel, Parcel 54, which is improved with a metal industrial building and a very prominent communications tower.

C. Roads

- # **Old Frederick Road has two travel lanes and wide paved shoulders with approximately 40 feet of paving within an existing 80 foot wide right-of-way. The posted speed limit is 50 miles per hour.**
- # **As estimated from the existing driveway on the east side of the Property, the sight distance appears to be greater than 900 feet to the west and approximately 500 feet to the east.**

This entrance has already been approved in the current location, so sight distance is not an issue.

- # **According to data from the Department of Public Works, the traffic volume on Old Frederick Road east of the Carroll County line was 3,108 ADT (average daily trips) as of 2005.**

D. Water and Sewer Service

- # **The Property is not in the Metropolitan District and is within the No Planned Service Area of the Howard County Water and Sewerage Master Plan.**

The site would only be served by private water facilities, as there is no proposal for septic facilities. There is an existing well located adjacent to the east entrance.

E. General Plan

- # **The Property is designated Rural Conservation on the Policies Map 2000-2020 of the 2000 General Plan.**
- # **Old Frederick Road is depicted as a Major Collector on the Transportation Map 2000-2020 of the 2000 General Plan.**

III. BACKGROUND INFORMATION (continued)

F. Agency Comments

The following agencies had no objections to the proposal:

1. Department of Fire and Rescue Services
2. Development Engineering Division

No comments were received from the following agencies to date.

1. Department of Recreation & Parks
2. Bureau of Environmental Health
3. Department of Inspections, Licenses and Permits

G. Adequate Public Facilities Ordinance

- # The petition is subject to the Adequate Public Facilities Ordinance if it is determined that a site development plan is necessary for the new development. Such a site development plan would be subject to the requirement to pass the test for adequate road facilities unless it is determined that the new development would not generate additional traffic.**

IV. EVALUATIONS AND CONCLUSIONS

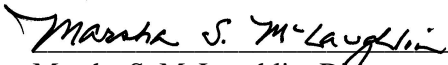
- # As expressed in the Decision and Order for ZB 1034M, because the BR District already exists on the Property, there can be no evaluation of the Section 117.1.B. criteria because those criteria are for the establishment of the BR District only.**

A. Evaluation of Section 117.1.G.3. (Findings for a BR District)

1. For a similar reason as expressed above concerning the Section 117.1.B. criteria, and similarly expressed in the ZB 1034M Decision and Order, an evaluation of Section 117.G.3.a. is unnecessary.
1. For a similar reason as expressed above concerning the Section 117.1.B. criteria, and similarly expressed in the ZB 1034M Decision and Order, an evaluation of Section 117.G.3.b. is unnecessary.
3. Old Frederick Road in this location is appropriate for serving the low volume of business-related traffic generated by the existing and modified use.
4. The existing access was approved as meeting all sight distance requirements and this petition does not propose altering this entrance in any way or establishing a new entrance. The petition complies with the Section 117.1.G.d. criteria.
5. The existing landscaped areas appear to provide adequate buffering of the uses from the existing land uses in the vicinity.

V. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the request to amend the Preliminary Development Plan to add a contractor storage building to an approved landscape contractor storage yard be APPROVED, provided that the Petitioner addresses any changes to the operations associated with the approved use that may differ from the descriptions provided to the Zoning Board in ZB 1034M.

	11/20/07
Marsha S. McLaughlin, Director	Date

MM/JRL/jrl

NOTE: **The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.**